

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

DAVID WAYNE BAILEY

v.

DOUG DRETKE, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE-INSTITUTIONAL DIVISION

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C.A. NO. C-04-551

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S MOTION  
FOR SUMMARY JUDGMENT**

On May 11, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 20). The Magistrate Judge then filed an Amended Memorandum and Recommendation on August 11, 2005 at this Court's Request (D.E. 25). Objections were timely filed but have no merit (D.E. 22, 29). Petitioner also moves for a hearing to present his case (D.E. 29). That motion is DENIED. Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's Motion for Summary Judgment (D.E. 13) is GRANTED, and petitioner's cause of action for habeas corpus relief is DISMISSED as time-barred. Petitioner's Certificate of Appealability is DENIED.

ORDERED this 30th day of September, 2005.

  
HAYDEN HEAD  
CHIEF JUDGE